

PATENT

Serial No. 10/552,802

Amendment in Reply to Final Office Action of December 16, 2009

REMARKS

This Amendment is being filed in response to the Final Office Action mailed December 16, 2009, which has been reviewed and carefully considered.

By means of the present amendment, claim 7 has been canceled without prejudice and its clarified features included in independent claims 1 and 6. Accordingly, no new issues requiring a new search have been introduced and entry of the present Amendment is respectfully requested.

Claims 1-6 and 8-14 are pending in the application, where claim 7 has been currently canceled without prejudice. Claims 1, 6 and 12 are independent.

In the Final Office Action, claim 2 is rejected under 35 U.S.C. §112, second paragraph for a certain informality. This rejection is respectfully traverses. However, in the interest of advancing prosecution, claim 2 has been amended to remove the alleged informality. Accordingly, withdrawal of the rejection to claim 2 is respectfully requested.

In the Final Office Action, claims 1-7 and 12-14 are rejected

under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 and 4-7 of U.S. Patent No. 7,351,194. Without agreeing with the Examiner, and in the interest of advancing prosecution and expediting allowance of the present application, a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) or (d) is enclosed herewith. Accordingly, Applicants respectfully request that this ground for rejection be withdrawn.

In the Final Office Action, the Examiner indicated that claims 7 and 12 would be allowable if rewritten in independent form and a proper Terminal Disclaimer is submitted. Applicants gratefully acknowledge the indication that claims 7 and 12 contain patentable subject matter. As noted above, a Terminal Disclaimer is being concurrently submitted. Further, by means of the present amendment, independent claim 6 has been amended to include the features of allowable claims 7, without including certain features that are believed to be not necessary for patentability (namely writing claim 6 as an independent apparatus claim), where claim 7 has been canceled without prejudice. In addition, claim 12 has been rewritten in independent form without including certain

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features that are believed to be not necessary for patentability, namely written as an apparatus claim.

Accordingly, it is respectfully requested that independent claims 1, 6 and 12 be allowed. In addition, it is respectfully requested that claims 2-5, 8-11 and 13-14 also be allowed at least based on their dependence from independent claims 1 and 6 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: Terminal Disclaimer

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